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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,372

03/26/2004

George T. Domizio

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BACHMAN & LAPOINTE, P.C.

900 CHAPEL STREET

SUITE 1201

NEW HAVEN, CT 06510

EXAMINER

REESE, DAVID C

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

09/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,372	Applicant(s) DOMIZIO, GEORGE T.	
	Examiner David C. Reese	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11,13-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,6,7,9,10,13-15,17 and 18 is/are allowed.
- 6) ☒ Claim(s) 7 and 11 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

THIS NON-FINAL ACTION IS RESPONSIVE TO THE AMENDMENT FILED 6/17/2008.

- Claims 5, 12, and 16 were canceled.
- Claims 1-4, 6-11, 13-15, and 17-18 are pending.

Claim Rejections - 35 USC § 103

[1] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[2] Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malks, US-5,186,591.

Although the invention is not identically disclosed or described as set forth 35 U.S.C. 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a designer having ordinary skill in the art to which said subject matter pertains, the invention is not patentable.

As for Claim 11, Malks teaches of a bolt (fig. 5), comprising:

a head portion (54) having a central portion (54), a rounded end extending from one end of the central portion and at least one wing (58) flexibly extending laterally with respect to a longitudinal axis of the central portion (54), and further comprising a longitudinal slot (56) disposed along the central portion (54); and

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a thread protector portion (58) comprising a threaded member (64), the thread protector (58) being releaseably (via 72, 74) connected to the central portion (54).

The difference between the claim and Malks is that Fig. 5 of Malks does not expressly disclose of the threaded member having a slotted head and further comprising at least one longitudinal cutout positioned along the thread protector, wherein the at least one longitudinal cutout extends from a rear edge of the thread protector toward the slotted head, wherein the longitudinal cutout ends before reaching the slotted head. Fig. 4 of Malks, however, shows of a threaded member having a slotted (top of 62) head (64) and further comprising at least one longitudinal cutout (62) positioned along the thread protector (58), wherein the at least one longitudinal cutout (62) extends from a rear edge of the thread protector (58) toward the slotted head (56), wherein the longitudinal cutout (62) ends before reaching the slotted head (56) (62 ends before reaching (56)). It would have been obvious to one of ordinary skill in the art, to modify the pin embodiment as presented by Malks in fig. 5 to incorporate a slotted head and longitudinal cutout along the thread protector as well from fig. 4 of Malks. One would have been motivated to make such a combination because such a configuration, as taught by Malks, allows for the legs of the pin to press outward against the screw hole, helping to hold the pin in place (see col. 4, lines 32-35). Further, it would have been obvious to a person of ordinary skill in the art to have modified the thread protector as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp. In turn, because the slotted head with a longitudinal cutout as claimed has the properties predicted by the prior art, it would have been obvious to make such a modification in order to gain the commonly understood benefits and applications of such an adaptation and/or modification.

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Re: Claim 7, wherein the at least one wing (58) is hingedly mounted to the central portion (45) at a hinged connection.

Allowable Subject Matter

[3] Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As for Claims 8, the prior art, incorporating other corresponding limitations as set forth above, does not teach the prior art fails to disclose of a forward facing portion of the wing extending forward from the hinge connection, and a rearward facing portion of the wing extending rearwardly from the hinge connection.

Claims 1-4, 6, 9, 10, 13-15, 17 and 18 are allowed.

Reasons for Allowance

[4] The following is an examiner's statement of reasons for allowance. This application has been reviewed by the examiner and meets all formal and substantive (i.e., statutory) requirements and the language of the claims is enabled by, and finds adequate descriptive supported in the application disclosure as originally filed.

The primary reason for the allowance of the claims is the presence of limitations in the independent claims, which are not found in the prior art references. The examiner believes that the record of the prosecution as a whole makes clear his reasons for allowing a claim or claims. However, the examiner would like to point out one or more specific reasons and/or limitations that the prior art fails to disclose and/or make obvious. Hence, with regard to independent claim 1, the prior art fails to disclose of a forward facing portion of the wing extending forward from

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the hinge connection, and a rearward facing portion of the wing extending rearwardly from the hinge connection. Claims 2-3, 4, 6, 9-10, and 15 are dependent upon claim 1. Independent claims 13 and 17-18 are allowed for the same reasons as presented by the language of claim 1. Claims 14 is dependent upon claim 13.

Response to Arguments

[5] Applicant's remarks filed 6/17/2008, with respect to the rejection(s) of claim(s) under Mals (under the 102 rejection) have been fully considered. Therefore, the rejection with regard to Mals (102) has been withdrawn. However, upon further consideration of the amended claims, a new ground(s) of rejection is made in view of Mals (now under an obviousness rejection). Consequently, all arguments are considered moot to said new grounds of rejection.

Conclusion

[6] **THIS ACTION IS NON-FINAL**

[7] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached at (571) 272-6987. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Reese

/D. C. R./

Examiner, Art Unit 3677

/Victor Batson/

Supervisory Patent Examiner, Art Unit 3677

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